

REMARKS

Applicant encloses herewith a Terminal Disclaimer. Although Applicant does not concede that a Terminal Disclaimer it is appropriate in this case, the Terminal Disclaimer is enclosed herewith with respect to U.S. Patent No. 6,460,666.

Claim Rejections – U.S.C. § 103

The Examiner rejected the claims using various combinations of three or more references. A principal reference relied upon by the Examiner was Van Himbeeck U.S. Patent No. 5,566,797. This reference was relied upon for its alleged teaching of the insertion of a reinforcing board member into a "pocket" which, in turn, was then retained within a desired configuration by means of various brackets, housings, handles and the like. In support of the contention that the Van Himbeeck references teaches insertion of a board member in a pocket, the Examiner stated, however, that the exterior of a support structure 56 is covered by a fabric material. Additionally, it states that for aesthetic reasons, the interior of the support structure 56 is covered with a liner. The inference with respect to the disclosure is that the various fabrics are attached by gluing or sewing to a support structure or panel. This inference can be drawn by reference to lines 37-42, column 8. In any event, it is clear that there is no teaching of a board which, as set forth in amended claim 1 of the present application, is fitted and inserted into a fabric pocket. Rather, fabrics are fastened in same manner to a board.

Thus, briefly, the subject matter of the present invention relates to a carrying case which can be maintained in a more rigid configuration by virtue of the construction set forth in claim 1. That is, the case includes a board member fitted and inserted into a fabric sleeve or pocket. The board member comprises the lateral side and bottom side of the rigid form. The board member is maintained in that shape by a combination of a number of additional elements positioned fastened on the inside and outside of the board. A telescoping handle is positioned on the inside. An L shaped forming back is positioned on the outside. Wheel housings are positioned on the outside and attached to the board. This combination of features provides for structural integrity

associated with the construction of a board member in a pocket in a manner which is not taught or suggested by any of the prior art references and in particular, the Van Himbeeck reference.

The Examiner has attempted to glean bits and pieces of prior art from three or more references in each instance with respect to the claim rejections. There is no inference in these references that such a combination should be or could be made. For example, Patent No. 5,782,325 cited by the Examiner, is directed to a suitcase with a pull out handle, wherein the entire case is configured and fabricated from rigid board material. This, for example, is exemplified by reference to Figure 3, illustrating the manner of construction of the sides and bottom of the case. Figure 4 further exemplifies this construction. The Stube patent 5,498,010 includes reinforcing panels of plastic, as taught at column 1, lines 1-39. Again, the construction is not a fabric pocket or sleeve with an inserted board member which is reinforced. That is, the present claims are directed to a fabric forming the various sides of a case, wherein the board member of the bottom side and lateral side are made rigid by means of the handle, bracket and wheel housings.

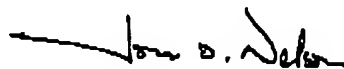
The claims have been amended to more clearly point out these distinguishing features, including the fact that the rigid board member is fitted and inserted into a sleeve or pocket. The board member includes passages cooperative with wheel housings to help form the board member into the L shape. Further, the claim requires that the telescoping handle and the L shaped forming bracket, in combination, maintain the form or shape of the board member.

In view of the foregoing and in view of the amendments submitted, it is believed that the claims, as amended, are clearly not obvious in view of the prior art. There is a lack of teachings of claimed subject matter. There is no inference or suggestion that the references cited by the Examiner should or could be combined to achieve the claimed subject matter. The manner of combination is not suggested or inferred.

Therefore applicant respectfully requests reconsideration of the claims as now submitted.
Passage thereof to allowance is respectfully requested.

Respectfully submitted,

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